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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,725	09/20/2000	Richard B. Himmelstein	HIM-PT009.1	6238
3624 7590 12/06/2004				
VOLPE AND KOENIG, P.C. UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103				
EXAMINER				
BACKER, FIRMIN				
ART UNIT		PAPER NUMBER		
3621				

DATE MAILED: 12/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/666,725

Applicant(s)

HIMMELSTEIN, RICHARD B.

Examiner

Firmin Backer

Art Unit

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[Signature]

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 September 2000 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Response to Amendment

This is in response to an amendment file on October 1st, 2004. In the amendment, claims 1 has been amended, claim 5 has been canceled, and no claim has been added. Claims 1-4 and 6 remain pending in the letter.

Response to Arguments

1. Applicant's arguments with respect to claims 1-4 and 6 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minton (U.S. PG Pub 2002/0091611 A1) in view of Roberts (U.S. PG Pub no. 2002/0013750) in further view of Dugan (U.S. Patent No. 5,857,174).
4. As per claim 1, 6, Minton teaches a bartering system for implementing barter between a plurality of parties each having one or more classes of items available for barter (*data processing*

system (20) for allowing individual to buy and sell securities) (see fig 1, 2, 3, page paragraph 0014) comprising means (server, 316) for creating a barter order (buys and sell orders) (fig 3, page 4 paragraph 0053) including means for designating a selected quantity (quantity) of a first class of items (securities) to be bartered (to be traded) (fig 3, page 4 paragraph 0053), means for designating a date range (time) for transferring title (transmitting title) of the selected quantity (quantity of securities) of the first class of items to be bartered whereby a barterer may elect to defer the transfer of title to the first class items to a time after the barter order is used to complete a barter transaction or elect to transfer title (transmitting title) along with the completion of such barter transaction (see abstract, page 2 paragraph 0016, claim 16), means for designating a barter value (the price) of the first class of items to be bartered (fig 3, page 4 paragraph 0053), and means for designating a second class of items (securities) to be acquired (bought) (fig 3, page 4 paragraph 0053) means for posting market value (displaying order) barter orders (order to buy and sell) via the internet (public network) to a barter database (see figs 1, 3 page 4 paragraph 0055, 0056), means for displaying (display 96) via the internet posted barter orders whose first class of items match the second class of items of a barterer's order (see page 4 paragraph 0056), and means for selecting (matching and executing) a posted barter order from the displaying means to effectuate a barter transaction which combines a barterer's barter order with the selected posted order (paragraph 0057, 0069). Minton et al fail to teach an inventive concept wherein class of item include real property and for automatically initiate transfer the deed of the real property. However, Roberts et al teach inventive concept wherein class of item include real property and for automatically initiate transfer the deed of the real property (see paragraphs 0009, 0038, 0067, 0071). Therefore, it would have been obvious for one of ordinary

skill in the art at the time the invention was made to modify the inventive concept of Minton to include Roberts et al inventive concept wherein class of item include real property and for automatically initiate transfer the deed of the real property because this would have provided an enhance flexible system. The combination of Minton and Roberts fail to teach an inventive concept with means for designating additional information for the real property including physical description and a market value of the real property. However Dugan teaches an inventive concept with means for designating additional information for the real property including physical description and a market value of the real property (*see fig 6m and the accompanied text*). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Minton and Roberts to include Dugan's an inventive concept with means for designating additional information for the real property including physical description and a market value of the real property because this would have facilitated exchange of information pertaining to real estate available for sale and in addition, provide information concerning the availability of respective properties for sale.

5. As per claim 2, Minton teaches a bartering system wherein real property includes real estate (*see fig 1, 2, 3, page paragraph 0014*).

6. As per claim 3 and 4, Minton teaches a bartering system further providing additional information such as address, tax, assessed value physical feature and amenities regarding a real estate item (*see fig 1, 2, 3, page paragraph 0014*).

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

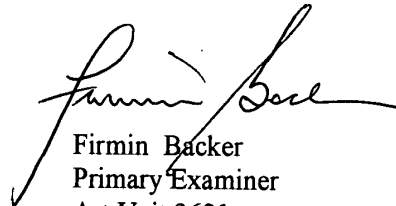
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (703) 305-0624. The examiner can normally be reached on Mon-Thu 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Firmin Backer
Primary Examiner
Art Unit 3621

November 30, 2004